

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff

v.

Mykalai Kontilai,

Defendant

Case No. 2:20-cr-00109-CDS-DJA

Order Denying Emergency Motion

[ECF No. 109]

Counsel for attorney George Lambert has filed an emergency motion seeking copies of videotapes of Lambert going through the scanner at the Nevada Southern Detention Center (NSDC) facility as well as an email he is alleged to have improperly shown to his client Kontilai. Emergency mot., ECF No. 109 at 2–3. Lambert represents that he needs those items to file a meaningful response to the pending order to show cause against him (OTSC, ECF No. 102). *Id.*

The local rules of this district provide the Court with the sole discretion to determine whether an “emergency” motion is, in fact, an emergency. LR 7-4(c). Emergency motions are disfavored and “should be rare” because of the “numerous problems they create for the opposing party and the court in resolving them.” LR 7-4(b); *Cardoza v. Bloomin’ Brands, Inc.*, 141 F.Supp.3d 1137, 1140 (D. Nev. 2015). Having reviewed the motion, I do not find it meets the criteria for being considered as an emergency.

I nonetheless consider the relief requested therein and deny the motion without prejudice. Lambert submits that he has requested a copy of the videos and document from the United States Marshals. ECF No. 109 at 2–3. But the NSDC is a private facility, thus Lambert should be submitting requests for these items through the NSDC, not the U.S. Marshals. There is no information before the court that Lambert has submitted any requests for the videos and/or

1 email at issue to NSDC. To the extent Lambert needs additional time to file a response to the
2 order to show cause, he may seek leave of court.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Lambert's emergency motion [ECF No. 109] is
5 **DENIED.**

6 Dated: November 20, 2024

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9 Cristina D. Silva
10 United States District Judge
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